REMARKS/ARGUMENTS

Claims 28-33 and 38-40 are pending. Claims 1-27, 34-37, and 47-50 are canceled, and claims 41-46 are withdrawn.

Amendments to the Claims

Claim 28 is amended to incorporate the limitation of dependent claim 34, an enzymatic exfoliant. This amendment is supported by the specification at, *inter alia*, paragraph [0041] of the published application US 2004/0091548. Because this amendment simply incorporates the limitations of a dependent claim, Applicants respectfully request entry of this amendment, which requires no additional search by the Examiner.

Claims 34-37 and 47-50 directed to specific exfoliants are canceled in view of amended claim 28.

Double Patenting Rejections

The non-statutory obviousness-type double patenting rejection was maintained in view of related applications. Applicants will submit a terminal disclaimer over the related applications (US 6,673,374; US 7,018,660; US 6,383,523; US 6,296,880; and US 6,071,541), when all other rejections and/or objections are overcome.

Anticipation Rejection under 35 U.S.C. § 102

As the Examiner is aware, to establish anticipation under 35 U.S.C. § 102, a prior art reference must disclose each and every limitation either expressly or inherently in a single prior art reference. *See, e.g., Celeritas Techs. Ltd. v. Rockwell Int'l Corp.*, 150 F. 3d 1354, 1360 (Fed. Cir. 1998); *Standard Havens Prods., Inc. v. Gencor Indus. Inc.*, 953 F.2d 1360, 1369 (Fed. Cir. 1991); *Jamesbury Corp. v. Litton Indus. Products*, 756 F. 2d 1556 (Fed. Cir. 1985); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1 (Fed. Cir. 1984). There must be no difference between the claimed invention and the reference disclosure as viewed by one of ordinary skill in the art. *See, e.g., Scripps Clinic & Research Fdn. v. Genentech*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Proline Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986); *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444 (Fed. Cir.

1984). Put another way, "[a] claim is anticipated and therefore invalid only when a single prior art reference discloses *each and every limitation of a claim*." *Glaxo Inc. v. Novapharm Ltd.*, 52 F.3d 1043, 1047, cert. denied, 116 S. Ct. 516 (1995) (emphasis added) (citations omitted). In addition, to anticipate, the reference must also enable one of skill in the art to make and use the claimed invention. *In re Donohue*, 766 F.2d, 532, 533 (Fed. Cir. 1985).

In this case, the Office Action rejects claims 28, 30, 32-37, and 40 as anticipated by newly cited reference U.S. 5,139,788 ("Schmidt"). Schmidt teaches antimicrobial composition that do not leave a contaminating residue upon application. *See, e.g.*, col. 1, lines 10-15.

In contrast, the present invention includes an anti-inflammatory agent. The Office Action recognizes that Schmidt includes an *antimicrobial* agent, but does not provide any evidence that Schmidt teaches or suggests an *anti-inflammatory* agent. In fact, Schmidt makes no mention of anti-inflammatory agents whatsoever. Moreover, the Office Action itself recognizes that Schmidt fails to disclose this element. Office Action at page 5. Because Schmidt fails to teach at least this element, Schmidt does not anticipate the claims.

Furthermore, amended claim 28 requires an enzymatic exfoliant, which is also not disclosed by Schmidt.

In view of these arguments and amendments, Applicants respectfully request reconsideration and withdrawal of the anticipation rejection.

Obviousness Rejections under 35 U.S.C.§ 103

As the Examiner is aware, to render claims obvious under 35 U.S.C. § 103(a), the prior art must disclose or suggest every limitation of the claimed invention and provide the person of skill in the art with a reasonable expectation that the invention will work for its intended purpose. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739-41 (2007). Applicants respectfully submit that the references cited by the Examiner do not render obvious the claims because the references do not disclose or suggest every limitation recited in the claims or provide a reasonable expectation that the invention will work for its intended purpose.

Claims 28-40 were rejected as obvious in view of newly cited Schmidt and U.S. 5,811,111 ("McAtee") as well as previously cited U.S. 5,605,694 ("Nadaud"), U.S. 5,569,651 ("Garrison") , and U.S. 6,335,388 ("Fotinos").

As described above, Schmidt fails to teach or suggest an enzymatic exfoliant as presently claimed. None of the references makes up for this deficiency. Because none of the references teaches or suggests an enzymatic exfoliant, the Patent Office has failed to set forth a *prima facie* case of obviousness.

In view of these arguments and amendments, Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

Respectfully submitted,

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